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Attorneys for Mark Dannels, Pat Downing, Kris Karcher, Shelly McInnes, Raymond McNeely, Kip Oswald, Michael Reeves, Sean Sanborn, Eric Schwenninger, Chris Webley, Anthony Wetmore, Craig Zanni, David Zavala, City of Coquille, City of Coos Bay, Coos County, Oregon, and Estate of David Hall

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

Nicholas James McGuffin,
as an individual and as guardian
ad litem, on behalf of S.M., a minor,

Case No. 6:20-cv-01163-MK
(Lead Case)

Plaintiffs,
v.

Mark Dannels, Pat Downing, Susan Hormann, Mary Krings, Kris Karcher, Shelly McInnes, Raymond Mcneely, Kip Oswald, Michael Reaves, John Riddle, Sean Sanborn, Eric Schwenninger, Richard Walter, Chris Webley, Anthony Wetmore, Kathy Wilcox, Craig Zanni, David Zavala, Joel D. Shapiro as Administrator of the Estate of David E Hall, Vidocq Society, City of Coquille, City of Coos Bay, and Coos County, Defendants.

Answer to Defendant Richard Walter's Cross-Claims
by Defendants Dannels, Downing, Karcher, McInnes, McNeely, Oswald, Reeves, Sanborn, Schwenninger, Webley, Wetmore, Zanni, Zavala, City of Coquille, City of Coos Bay, Coos County, and Estate of David Hall

Demand for Jury Trial

Request for Attorney Fees

COME NOW Defendants Mark Dannels, Pat Downing, Kris Karcher, Shelly McInnes, Raymond McNeely, Kip Oswald, Michael Reeves, Sean Sanborn, Eric Schwenninger, Chris Webley, Anthony Wetmore, Craig Zanni, David Zavala, Joel D. Shapiro as Administrator of the Estate of David E. Hall, City of Coquille, City of Coos Bay, and Coos County, Oregon, by and through their attorneys, the Law Office of Robert E. Franz, Jr., and for answer to the cross-claims of Defendant Richard Walter hereby allege as follows:

1.

These Answering Defendants deny each and every allegation of said cross-claims.

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FOR THEIR FIRST, FURTHER AND SEPARATE ANSWER BY WAY OF AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS allege:

2.

The cross-claims are barred by the statute of limitations, the doctrine of laches, and the statute of ultimate repose or other statutes, rules, or laws which limit or prescribe the time in which the cross-claims had to be filed and served.

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FOR THEIR SECOND, FURTHER AND SEPARATE ANSWER BY WAY OF AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS allege:

3.

The cross-claims are barred because Defendant Richard Walter failed to give a timely tort claim notice to any of the Answering Defendants as to each claim as required by the Oregon Tort Claims Act.

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FOR THEIR THIRD, FURTHER AND SEPARATE ANSWER BY WAY OF AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS allege:

4.

At all material times, the conduct of these Answering Defendants did not violate clearly established statutory or constitutional rights which a reasonable person would have known; and their conduct was objectively reasonable as measured by reference to clearly established law; therefore, these Answering Defendants are entitled to immunity pursuant to the doctrine of qualified immunity.

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FOR THEIR FOURTH, FURTHER AND SEPARATE ANSWER BY WAY OF AFFIRMATIVE DEFENSE, THESE ANSWERING DEFENDANTS allege:

5.

The claims set forth in the cross-claims fail to state sufficient facts upon which any relief can be granted against any of the answering defendants, and the claims are frivolous as a matter of law; therefore, these Answering Defendants are entitled to attorney's fees for defending the cross-claims to be fixed by the court at the conclusion of this matter pursuant to 42 U.S.C. § 1988 and FRCP 11.

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WHEREFORE, having fully answered the cross-claims of Defendant Richard Walter, Defendants Mark Dannels, Pat Downing, Kris Karcher, Shelly McInnes, Raymond McNeely, Kip Oswald, Michael Reeves, Sean Sanborn, Eric Schwenninger, Chris Webley, Anthony Wetmore, Craig Zanni, David Zavala, City of Coquille, City of Coos Bay, Coos County, Oregon, and the Estate of David Hall pray that said cross-claims be dismissed with prejudice; and that they have

judgment in their favor, and against Defendant Richard Walter for their costs and disbursements incurred herein, together with reasonable attorney fees to be fixed by the Court pursuant to 42 U.S.C. § 1988 and FRCP 11.

DATED: Friday, May 12, 2023.

Respectfully submitted,

By: /s/ Robert E. Franz, Jr.
LAW OFFICE OF ROBERT E. FRANZ, JR.
Robert E. Franz, Jr.
OSB #730915
(541) 741-8220
Of Attorneys for Mark Dannels, Pat Downing,
Kris Karcher, Shelly McInnes, Raymond
McNeely, Kip Oswald, Michael Reeves, Sean
Sanborn, Eric Schwenninger, Chris Webley,
Anthony Wetmore, Craig Zanni, David Zavala,
City of Coquille, City of Coos Bay, Coos County,
Oregon, and the Estate of David Hall

Jury Trial Demand

These Answering Defendants hereby demand.
trial by jury.

/s/ Robert E. Franz, Jr.
Robert E. Franz, Jr. OSB #730195
Of Attorneys for Mark Dannels, Pat Downing,
Kris Karcher, Shelly McInnes, Raymond
McNeely, Kip Oswald, Michael Reeves, Sean
Sanborn, Eric Schwenninger, Chris Webley,
Anthony Wetmore, Craig Zanni, David Zavala,
City of Coquille, City of Coos Bay, Coos
County, Oregon, and the Estate of David Hall